

In an article published in the Dayton Daily News, one veteran who served in Thailand said his barracks were along the perimeter, and at the time of the interview, he still hadn't received benefits for his VA claim.

The arbitrary limits on consideration of a veteran's claim to toxic exposure are simply wrong. These misguided technicalities and bureaucratic hurdles need to be addressed. Our bill would eliminate the unreasonable burden placed on veterans to prove toxic exposure.

No veteran should be denied benefits due to redtape. These Americans who served our country, and to this day are paying a high price as a result, have been carelessly hindered by the current limitations on the presumption of toxic exposure to Agent Orange, but they aren't forgotten. We have an obligation to ensure they get the benefits they are due, and I am committed to supporting their cause.

I appreciate the determination and tireless efforts of Mr. Rhodes. He said this legislation gives him some hope, but he won't be proud of his work until the bill is passed.

I encourage my colleagues to support our legislation. I look forward to working with members of the Senate VA Committee to eliminate the barriers that prevent veterans from getting the care and resources they have earned.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. OSSOFF). The Senator from Oregon.

NOMINATION OF XAVIER BECERRA

Mr. WYDEN. Mr. President, the Senate will soon vote on the nomination of California Attorney General Xavier Becerra to lead the Department of Health and Human Services. Moving this nomination forward required an additional procedural step and more floor debate than others, so I will make just a few quick points this afternoon.

First, in our lifetime, America has never faced a greater public health challenge than the pandemic we face today. The Department of Health and Human Services is our point Agency, the leading Agency to coordinate the effort to end the pandemic as soon as possible. Right now, for example, it is coordinating the distribution of vaccines. It is working to get PPE, the critical protective equipment, into the hands of nurses and doctors and all those providers who desperately need more of it. The Department supports rural hospitals to keep them afloat so that rural patients have access to care.

The Department's work includes the Centers for Medicare and Medicaid Services, the Centers for Disease Control, the National Institutes of Health, the National Guard, all 50 States and the District of Columbia, as well as private healthcare systems, doctors, and many individuals across the country.

The American people, we all know, are ready for this pandemic to end. They certainly understand that having a person to coordinate the critical efforts of the Department of Health and

Human Services confirmed and on the job is part of that effort. There simply is no argument for delaying this confirmation any longer.

Attorney General Becerra has the right leadership experience and the right health policy experience to succeed in this critical job. He currently heads the Nation's second largest department of justice. He is in charge of a billion-dollar budget and more than 4,000 employees. He is the top law enforcement official in what would be the fifth largest economy in the world.

In terms of health policy, which is in the area I try to specialize in, I can tell Senators that Xavier Becerra has spent years and years on these issues at the Ways and Means Committee, the key committee in the other body with jurisdiction over healthcare. He has been through major policy debates, including the Affordable Care Act. As California's attorney general, he defended the act in court.

When the pandemic hit, he fought to protect the health and well-being of all Californians, particularly nurses and doctors and those workers who found themselves in harm's way.

Attorney General Becerra has the health policy savvy and the leadership savvy and the experience in both areas to run this Department, no question about it.

Attorney General Becerra made it clear to members of the Finance Committee that he will follow the law. Quaint idea. He said it again and again in response to a barrage of questions. He is going to be accessible to Senators. He is going to work to find common ground on key healthcare issues. I was glad he said it because that is heavy lifting. Most of the time, that is really all you can ask of nominees of the other party.

Healthcare is oftentimes a divisive subject. I think every Senator understands that. It is particularly true when it comes to women's healthcare. But it is clear to me that Attorney General Becerra wants to bring the two sides together. That is a great place to start after the last 4 years of knock-down, drag-out battles over healthcare issues that clearly took America in the wrong direction.

I am going to close with just one thought about why this position is so important. I don't know of any prospect more unifying among Americans than ending the pandemic and getting life back to normal as quickly as possible. Parents want their kids back in school. Grandparents want to hug their grandkids. Everybody wants to feel safe and get out in their communities.

Getting our country to that point is the essence of what this job is all about. Heading the Department of Health and Human Services focuses exactly on those things people want to have the country come together on. But we need to come together to beat the pandemic, and the Department needs its leader confirmed and on the job now.

I was pleased that there was bipartisan support for discharging Attorney General Becerra's nomination from the Finance Committee. I hope the Senate gives his nomination bipartisan support once again when it is time to vote on his confirmation.

I look forward to working with him in the months and years to come.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

NOMINATION OF XAVIER BECERRA

Mr. MORAN. Mr. President, I oppose the confirmation of California Attorney General Becerra to be the Secretary of Health and Human Services.

Our future HHS Secretary will be at the helm of rebuilding our country toward normalcy and preparing to address the weaknesses in our healthcare infrastructure, brought to light by the pandemic. It will be no small task, and its handling will have an impact on America for years to come. It will require a leader at HHS who has the trust of the public and the requisite healthcare experience. Unfortunately, those two factors are missing from the nomination of Attorney General Becerra.

In recovering from a once-in-a-century public health emergency, Americans need to have the confidence that our HHS Secretary understands the intricacies of healthcare policy and has an eye to the future as we improve upon our pre-pandemic vulnerabilities, protecting future generations from experiencing similar pandemic situations.

While Attorney General Becerra served on a healthcare-focused subcommittee as a U.S. Representative, he has no further experience in public health or medicine. He also lacks the executive experience that would be useful in running a complex executive branch Department like HHS, which is involved in the nationwide vaccine rollout and now the regulatory implementation of the recent \$1.9 trillion package.

The American people need to trust that their HHS Secretary will work for them, regardless of disagreements over ideology. Like a President, Cabinet officials work for the entire country, and broad public trust is essential. As Mr. Becerra was serving in his current role in California as attorney general, the Trump administration was making significant regulatory changes to protect the sanctity of life. Attorney General Becerra then spent much of his time attempting to overturn or ignore those changes.

Most recently, Attorney General Becerra actively defended a California law requiring abortion coverage in insurance plans offered by churches. The Office of Civil Rights at HHS ruled on January 24, 2020, that the State's abortion mandate violated Federal law, but Attorney General Becerra refused to comply.

Ideological or moral disagreements should not be met with legal challenges. Americans need to know that

their government is working to find a common ground that will protect all strongly held personal and religious beliefs, including the belief in the sanctity of life.

Thoughtful healthcare policy matters to Kansans and Americans now more than ever. We need a leader at HHS who is eager to serve all of the country, even in the face of disagreements—one who has the necessary healthcare expertise to be successful in this position and will be an asset to our country in this time of rebuilding.

I oppose this confirmation and urge my colleagues to join me.

EQUALITY ACT

Mr. MORAN. Mr. President, today the Senate Judiciary Committee is considering a grave threat to the right of conscience. The House recently passed the Equality Act, which would demolish religious liberty protections, ironically making Americans of certain beliefs decidedly unequal under the law. In other words, for something called religious protections, the Equality Act would diminish the capability to be considered equal under the law.

It is not an accident of careless drafting that permits this outcome. The language is both so expansive and so explicit that it must be intentional and it must be intentionally hostile to people who hold such beliefs.

The language expands the definition of public accommodations to include prohibiting discrimination by “any establishment that provides a good, service, or program, including a . . . food bank, service or care center, [or] shelter,” and any organization receiving Federal funding. Religiously affiliated entities seeking to put their beliefs into action outside their church, mosque, or synagogue must comply.

The authors know such an expansive definition infringes on the constitutional rights of religious liberty. That is because this legislation would explicitly—explicitly—deny recourse to the Religious Freedom Restoration Act, or RFRA, a bill that was passed with overwhelmingly bipartisan majorities in both Chambers of Congress before being signed by President Bill Clinton in 1993.

This denial cuts off two legal paths for people of conscience. One, an individual or institution cannot sue the Federal Government to prevent enforcement of this act without statutory—explicit statutory—authority of RFRA. And, two, the individual institution that is sued for discrimination under this bill cannot rely on RFRA as a defense.

It is not an exaggeration to say that the five lines related to RFRA in this bill represent one of the most dramatic assaults against religious faith and conscience that I have seen in my time in Congress. The effects will be damaging to communities in Kansas and across the country.

If passed, people of faith must decide whether to adhere to their deeply held beliefs or to the law. This law effec-

tively says it is better to have fewer doctors in rural Kansas, which desperately needs them, than it is to have doctors of moral conviction; that it is better to shutter social services administered by faith-based groups that fill gaps in our safety net than to allow them to remain true to their mission; or that it is better to force the closure of religious schools in urban areas, which so often provide a path out of poverty, than to allow them to remain open and teach principles of faith.

In response to the Obama contraception mandate a decade ago, I warned: “If the government can compel an individual or group to violate one’s conscience, then there is no limit to government power.” That remains true now, nearly 10 years later, and remains true into the future.

I will oppose the use of such government power to infringe on matters of religious belief and conscience, and I stand in opposition to the Equality Act.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FILIBUSTER

Mr. CORNYN. Mr. President, it appears that our friends across the aisle are experiencing an existential crisis when it comes to deciding how to manage their newfound powers in the majority. We are just 2½ months into this new Congress, and already we are hearing the majority leader and many on the other side of the aisle threatening to blow up the rules of the Senate. After decades as a Senator, President Biden even yesterday relented and threw his support behind the plan.

The filibuster has been called into question a number of times over the past few years. That is to be expected, but it is just that our Democratic friends used to be on the other side of the argument. They took one position when they were in the minority, where the filibuster protected their rights. And now when they are in the majority, many of them are looking to eliminate any minority rights and to fundamentally change the Senate.

In 2018, our Democratic colleagues were afraid the Republican Senate majority would blow up the filibuster. I am not really sure why they were concerned. After all, Senator MCCONNELL and Republican Senators have consistently defended the rights of the minority by use of the legislative filibuster, even when President Trump called for it to be eliminated.

But our Democratic friends keep piling on. Senator DURBIN, the Senator from Illinois, the chairman of the Judiciary Committee, was asked about President Trump’s call to end the fili-

buster—that was when President Trump called to end the filibuster—and he said: “That would be the end of the Senate as it was originally devised and created going back to the Founding Fathers.” That would be on the right-hand side of this chart. Just to repeat, he said: “That would be the end of the Senate as it was originally devised and created going back to the Founding Fathers.”

I agree with Senator DURBIN. I agreed then, and I agree now.

The Senate filibuster was designed to ensure that the two political parties would actually have to work together, which I think the American people believe is a good thing. And it should be hard to do the work of building consensus in a country as big and diverse as the United States.

But the filibuster was designed to make sure that the majority just couldn’t jam things through and deny the rights of the minority to be heard. But when you get 60 Senators to agree on something, it becomes all but impossible for ultrapartisan proposals to become law. That is the nature of the consensus-building process, and that is a good thing for the country.

Imagine the instability and unpredictability that would occur if laws changed as quickly as Presidents and Senate majorities do. Just 4 years ago, Republicans controlled both Chambers of Congress and held the White House. Twelve years ago, our Democratic colleagues controlled all three. The filibuster was designed to encourage, again, consensus building on a bipartisan basis and to provide some stability between those transitory majorities and changing Presidents. And that is a good thing, like I said, in a country where the political party in control is constantly changing, and it ensures that a minority viewpoint cannot be steamrolled.

Our Senate Democratic friends have certainly benefited from the protections of the filibuster over the last 6 years. They filibustered countless bills on everything from pandemic relief to police reform.

But now it appears that our Democratic colleagues—at least their leadership—have flip-flopped. The political tides have shifted, and since the radical left wants to get rid of the filibuster, so do they.

In a floor speech earlier this week, this same Senator, Senator DURBIN, our friend from Illinois, said the filibuster is “not the guarantor of democracy. It has become the death grip of democracy”—a pretty dramatic conversion from 2018 to 2021.

What has changed? Well, the majority has changed. Republicans controlled the majority when he thought the filibuster was a good thing. Now, when Democrats control the majority, he thinks it is a bad thing.

Apparently, the countless filibusters of our Democratic colleagues were not a mockery of democracy. They certainly wouldn’t be guilty of that. But